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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,402	02/13/2001	Douglas Gibbons Young	C-2469	1877

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EXAMINER

DEBERADINIS, ROBERT L

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/782,402

Applicant(s)
DOUGLAS G. YOUNG et al.

Examiner
ROBERT L. DEBERADINIS

Art Unit
2836



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 13, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by CRATTY
6,288,456.

CRATTY discloses;

Regarding claim 1,6, refer to the abstract.

CRATTY discloses;

a first power source providing sufficient power to supply the critical load,

a second power source providing sufficient power to supply the critical load,

a static switch for selectively connecting and disconnecting the first power source to the second power source and to the critical load,

a switch controller for controlling the static switch, inherent part of the power system.

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Regarding claim 2.

Wherein the switch controller controls the state of the static switch to rapidly reconnect the first power source with the critical load and the second power source when the first power source returns to normal operation. Refer to column 1, line 30 and to column 4, lines 36 plus.

Regarding claim 3.

The power system of claim 1 wherein the second power source comprises one or more fuel cell power plants. Refer to column 2, lines 10-35.

Regarding claims 4,5.

The power system wherein the static switch is a solid-state device. Refer to column 4, lines 1-5 and to column 5, lines 5-9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7,8,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over CRATTY 6,288,456.

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Regarding claims 7,8,9.

CRATTY discloses a power system wherein the rapid transitioning of operation of the at least one fuel cell between the grid connected mode and the grid independent mode can tolerate no more than 8.3 ms (column 1, line 30). It would have been obvious to one having ordinary skill in the art at the time of this invention to provide the rapid transitioning of operation of the at least one fuel cell between the grid connected mode and the grid independent mode to occur within an interval of about 4 milliseconds to provide uninterrupted power to the critical loads.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

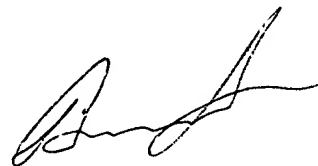
GILLETTE 6,198,176 discloses high efficiency UPS.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (703) 306-5857. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on (703) 308-3119. The fax phone number for this Group is (703) 305-7724.

RLD

APRIL 4, 2002



BRIAN SIRCUS
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